

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DWIGHT MORROW HENLEY,

Petitioner,

Case No. 1:11cv538

v.

Hon. Robert J. Jonker

C. MILLER, et al.,

Respondent.

**ORDER**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on August 3, 2012. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed August 3, 2012, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that Defendants' motions to dismiss (docket #10, #12, and #14) are **DENIED**. The Court will exercise jurisdiction over defendants by virtue of their subsequently filed waivers, appearances and joint motion for summary judgment.

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

DATED: August 31, 2012.